

EXHIBIT #6  
DATE 2/6/2013  
HB \_\_\_\_\_

STATE OF MONTANA  
DEPARTMENT OF JUSTICE

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**TO:** Members of the Joint Appropriations Subcommittee on Judicial Branch, Law Enforcement, and Justice

**DATE:** February 6, 2012

**SUBJECT:** Department of Justice testimony

Chairman Gibson, members of the committee, good morning, my name is Christi Jacobsen. I am the administrator of the Central Services Division within the Department of Justice. In an effort to be efficient with your time I will speak on behalf of the department. All of the Division Administrators and the Chief of Staff are present to answer any of your questions. Thank you for your consideration and actions on the Department's budget so far.

I would like to first touch on the Consumer Protection Settlement account, last week the Department provided additional information to the committee on the restrictions and commitments placed on this account. Yesterday, I was directed by Attorney General Tim Fox to transfer \$481,000 to the general fund, as this amount was determined excess for purposes of MCA Section 30-14-143. A copy of the Attorney General's memo has been provided to the Committee. The remaining balance in the account is restricted and committed. Mr. Mattioli is available for any questions you may have.

The items identified last Friday to be funded by the Consumer Protection Settlement Account are as follows:

1. Decision Package 101, Legal Services Division, Drug Diversion and Sexual Predator Enforcement Programs. The Department is requesting the program be funded with general fund. As Mr. Mattioli discussed last week, these programs are dedicated to

protecting the public and specifically children from dangerous drugs and sexual predators. These programs provide investigative and prosecution services at no expense to the counties. When the Committee takes public comment, we will be submitting letters from county attorneys in support of these programs for the record. There is also a letter included from Mr. Strandell detailing how valuable and critical the sexual predator prosecutor is to the Investigations Bureau at Division of Criminal Investigations.

2. Other Decision Packages to be funded with the Consumer Protection Settlement:

- a. 1201, Motor Vehicle Division, Commercial Drivers' License Program
- b. 1208, Motor Vehicle Division, CDL Medical Certification Program
- c. 1209, Motor Vehicle Division, National Motor Vehicle Title Information System

The Department requests that these decision packages be funded with the highway state special revenue account. The motor vehicle division historically has been funded with highway state special revenue funds and this request continues the funding pattern.

3. Decision Package 1804, Division of Criminal Investigations Child Sexual Predator & Drug Diversion. The committee approved \$100,000 of Consumer Education Settlement funding each year that is restricted to be used to provide a program aimed at child abuse prevention. The division did not request this authority and does not need the funding from the consumer education settlement fund.

Next I would like to move into the budget requests that are critical to the operation of the Department across all divisions.

- 1. The Elected Official request Stand Up for Montana, funding for one lawyer was approved. The Department requests funding of the paralegal position. The current ratio of lawyers to paralegals in the Legal Services Division is 16 to 1. Research indicates that the ratio of lawyers to paralegals should be in the 4 to 1 range for maximum efficiency. In order to achieve parity with the private sector the Department needs 4 times the amount of paralegals that we currently have, this request is for 1 paralegal.

2. The Elected Official request Technology Upgrade was approved for one paralegal. The Legal Services Division requests approval of the web manager FTE position to make legal case information accessible to the public while protecting private information. This is required by current Montana law. The optimal ratio of Justice Information Technology Service Division users to IT support staff is 75 users to 1 IT support staff. Currently the JITSD ratio is 242 to 1. JITSD cannot transfer web manager resources to other projects without potentially jeopardizing public safety via web sites such as Sexual and Violent Offender Registry (or SVOR).
3. The Elected Official request Motor Vehicle Division Customer Service, one business development specialist has been approved. The Department requests restoration of the business development specialist FTE and training specialist FTE. This enables the division to focus on training our business partners and County Treasures as identified in the 2012 Legislative performance audit.
4. The Department requests approval of the Elected Official request Motor Vehicle Division Pay Issues. Currently 38.8% (or 57 employees) in the workforce are under 75% of the 2012 market. Even if the 5% and 5% were to be enacted in HB13 some of these employees will not reach 75% of the market rate by the end of the 2015 biennium. The two lowest paid classes of positions that would be directly impacted by this request are 34 license permit technicians, 14 administrative clerks.
5. The committee reduced DP 1205, Motor Vehicle Division base adjustments, by \$48,480, of general fund in each year of the biennium. The department requests restoring the decision package as originally requested, allowing the division to fully fund the computer replacement cycle for the county treasurers.
6. Decision Package 1801 Division of Criminal Investigations SVOR Compliance Investigator(s), the committee authorized one FTE investigator. The division requests the additional SVOR compliance investigator. As Mr. Lockerby indicated earlier between 2006 and present, there has been over a 50% increase in the number of sexual and violent offenders appearing in the Sexual and Violent Offender Registry. SVOR is currently averaging 40 new registrants per month which is a 6% increase between 2011 and 2012. Based on the increasing workload only providing one investigator would sacrifice compliance registration around the State.

7. Decision Package 1807 Division of Criminal Investigations MLEA Maintenance. A funding switch was requested replacing state special revenue with general fund for maintenance and utility costs. Statewide traffic convictions are declining an estimated 3% to 4% per year, some jurisdictions avoid State surcharge by issuing municipal infractions, which is where the MLEA funding issue originated. If this request is not funded, the Academy would be forced to reduce course offerings or even eliminate Professional Programs and focus strictly on its mandate of Basic Course offerings.
8. The committee did not take action on the Elected Official request, Montana Highway Patrol and the Division of Criminal Investigations Bakken requests which included 2 Narcotics Investigators, 1 Major Crimes Investigator, and 7 MHP Troopers for Eastern Montana. These investigators and troopers would enhance investigative capabilities, reduce response time, travel expenses, and provide support to local public safety. Between 2011 and 2012 there has been a 133% increase in State narcotics investigations in the Bakken. The 7 troopers requested would address the increase in calls for service in Eastern Montana. Troops in the Glendive district average 1,231 calls for service per year or 256 more calls than the state average.
9. The committee did not take action on the Elected Official request, JITSD security. This request is in response to the Legislative audit division's security assessment. This request is proactive rather than reactive. Security breaches can be very costly and can jeopardize public trust. A recent example as noted by Mr. Chapman last week occurred in South Carolina, when taxpayers and businesses information was hacked at the state Revenue Department. The misuse of this information has the potential to cost South Carolina more than \$350 million.
10. The committee did not take action on the Elected Official request, Justice Information Technology Service Division Records Management. 1.0 FTE to implement and maintain Agency-wide electronic management records system. This request increases efficiency Agency-wide, one specific example relates to DCI criminal history. Agency staff spends approximately 3 hours per day walking between buildings to retrieve and return paper records.
11. The Elected Official request, Forensic Science Division, Forensic Testing was approved for one FTE to perform synthetic drug testing. The Department requests the

toxicologist FTE and the associated funding to complete additional blood testing needed to address increasing backlog and turnaround time as mentioned by Dr. Kinsey last week. Approving the toxicologist FTE will address the backlog issues.

12. Decision Package 3202, Forensic Science Division, Equipment. The committee approved \$100,000 for the 2015 biennium. This amount will not keep the lab up-to-date with equipment to allow rapid, accurate forensic analysis. The Department requests reinstatement of the full amount by adding back \$110,000.

On another note the committee did not take action on POST. Under current statute, POST is administratively attached to DCI and is the financial source of operations. As a result, any lack of funding that occurs, directly impacts DCI by drawing resources away from other critical functions required to provide support to local law enforcement.